

*United States District Court*

NORTHERN DISTRICT OF CALIFORNIA

**FILED**

JUL 02 2008

**RICHARD W. WIEKING**  
CLERK U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Venue: San Francisco

V.

CRIMINAL COMPLAINT

**MEI**

JOVEL SALAS-ARROYO  
a/k/a JOEL SOLIS SALAS  
a/k/a JOVEL ARROYO SALAS  
a/k/a JOEL GUTIERREZ GONZALEZ  
a/k/a SANTIAGO ARCEO CUEVAS  
a/k/a ALFONSO VILLA SALAS

CASE NUMBER: **3 08 70402**

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about June 30, 2008 in Marin County, in the Northern District of California defendant,

JOVEL SALAS-ARROYO (a/k/a JOEL SOLIS SALAS, JOVEL ARROYO SALAS, JOEL GUTIERREZ GONZALEZ, SANTIAGO ARCEO CUEVAS and ALFONSO VILLA SALAS), an alien, after having been removed, excluded, and deported from the United States, was thereafter found in the United States without having obtained the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission into the United States, in violation of Title 8 United States Code, Section(s) 1326.

I further state that I am a Deportation Officer and that this complaint is based on the following facts:  
Official Title

**SEE ATTACHED AFFIDAVIT IN SUPPORT OF THIS COMPLAINT**

**PENALTIES:** Imprisonment for not more than 20 years, a fine of not more than \$250,000.00, a \$100.00 dollar special assessment, and 3 years supervised release.

APPROVED AS TO FORM:

  
ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Warrant of Arrest Requested: ☐ Yes ☒ No

Bail Amount: **NO BAIL**

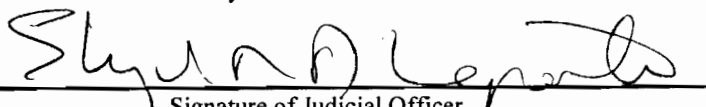
  
Signature of Complainant

Sworn to before me and subscribed in my presence,

June 2, 2008 at San Francisco, California  
Date City and State

**Honorable Elizabeth Laporte**  
**United States Magistrate Judge**

Name & Title of Judicial Officer

  
Signature of Judicial Officer

STATE AND NORTHERN DISTRICT OF CALIFORNIA )  
 ) ss, AFFIDAVIT  
CITY AND COUNTY OF SAN FRANCISCO )

I, Polly E. Kaiser, Deportation Officer, U.S. Immigration and Customs Enforcement (ICE), being duly sworn, depose and state:

## I. INTRODUCTION AND PURPOSE OF AFFIDAVIT

1. This affidavit is submitted in support of a criminal complaint against JOVEL SALAS-ARROYO, a/k/a JOEL SOLIS SALAS, JOVEL ARROYO SALAS, JOEL GUTIERREZ GONZALEZ, SANTIAGO ARCEO CUEVAS and ALFONSO VILLA SALAS, for violating 8 U.S.C. § 1326. The facts set forth in this Affidavit are based on my review of SALAS-ARROYO'S official Immigration file (No. A70 970 867), my personal observations, my training and experience, and where noted, information related to me by other law enforcement officials. However, the facts set forth in this Affidavit are not all of the facts related to SALAS-ARROYO'S that I know.

## II. AGENT'S BACKGROUND AND EXPERTISE

2. I have been a Deportation officer with the U. S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), formerly the United States Department of Justice (DOJ), Immigration and Naturalization Service (INS), for approximately 5 years. I am currently assigned to ICE's San Francisco, California office, and I am responsible for enforcing federal criminal statutes involving criminal aliens who reenter the United States illegally.

### III. APPLICABLE LAW

3. Title 8 U.S.C. § 1326 provides criminal penalties for “any alien who . . . has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding, and thereafter enters, attempts to enter, or is at any time found in, the United States, unless (A) prior to his reembarkation at a place outside the United States or his application for admission from foreign contiguous territory, the Attorney General has expressly consented to such alien’s reapplying for admission; or (B) with respect to an alien previously denied admission and removed, unless such alien shall establish that he was not required to obtain such advance consent under this chapter or any prior Act . . . .”

#### IV. FACTS ESTABLISHING PROBABLE CAUSE

4. JOVEL SALAS-ARROYO, a/k/a JOEL SOLIS SALAS, JOVEL ARROYO SALAS, JOEL GUTIERREZ GONZALEZ, SANTIAGO ARCEO CUEVAS and ALFONSO VILLA SALAS is a 33 year-old male who is a native and citizen of Mexico. SALAS-ARROYO was

deported from the United States to Mexico on March 17, 2003, February 13, 1995 and possibly on November 1, 1998.

5. SALAS-ARROYO last entered the United States illegally in April 2003 by voluntarily crossing into Arizona through the international border with Mexico by foot. SALAS-ARROYO knowingly remained in the United States without first having obtained the consent to reapply for admission from the Attorney General of the United States or the United States Secretary of Homeland Security.

6. The official Immigration file for SALAS-ARROYO contains two executed Warrants of Removal. The Warrants of Removal are dated March 17, 2003 and February 13, 1995. A second immigration file (A77 414 734) has been located and is believed to also belong to SALAS-ARROYO under the name JOEL SOLIS-SALAS (a known alias of JOVEL SALAS-ARROYO). It is believed that an executed Warrant of Removal exists in the file indicating that SALAS-ARROYO was also removed from the United States to Mexico on November 1, 1998. This second file is in transit and cannot be reviewed at this time. However, based on the information contained in several immigration databases, it is believed that this second file relates to SALAS-ARROYO. March 17, 2003, February 13, 1995 and November 1, 1998 are the dates that SALAS-ARROYO was deported from the United States to Mexico.

7. On or about June 30, 2008, an Immigration and Customs Enforcement (ICE) agent encountered SALAS-ARROYO pursuant to his release from San Quentin State Prison in Marin, California on unrelated charges.

8. On June 30, 2008, ICE Agent Byoung Park interviewed SALAS-ARROYO at the ICE San Francisco District Office located in San Francisco, California. After SALAS-ARROYO was advised of his Miranda rights and the right to speak with the consular or diplomatic officers of his country of citizenship, he admitted that his true name was JOVEL SALAS-ARROYO a/k/a JOEL SOLIS SALAS, JOVEL ARROYO SALAS, JOEL GUTIERREZ GONZALEZ, SANTIAGO ARCEO CUEVAS and ALFONSO VILLA SALAS. SALAS-ARROYO admitted that he was a citizen and national of Mexico and that he had been previously deported from the United States. He also admitted that he illegally reentered the United States in April of 2003.

9. On June 30, 2008, at the ICE San Francisco District Office, SALAS-ARROYO'S fingerprints and photos were submitted into the Auto Biometric Identification System (IDENT). IDENT information confirmed SALAS-ARROYO'S identity under Fingerprint Identification Number (FINS) 902302598.

10. On July 2, 2008, a full set of rolled fingerprints belonging to SALAS-ARROYO was submitted to the Automated Fingerprint Identification Center ("AFIS"), for further verification of the identity. Along with the full set of prints belonging to SALAS-ARROYO, the single print appearing on each of the two available Warrants of Removal (executed March 17, 2003 and

February 13, 1995) for SALAS-ARROYO were all submitted for comparison. The fingerprint examiner positively identified the fingerprints as belonging to the same SALAS-ARROYO who had previously been removed from the United States on March 17, 2003 and February 13, 1995. Fingerprints from the second file will be submitted for further comparison when they become available.

11. There is no indication in ICE's official files that SALAS-ARROYO has applied for or been granted the requisite permission to reenter the United States from either the Attorney General of the United States or the Secretary of Homeland Security.

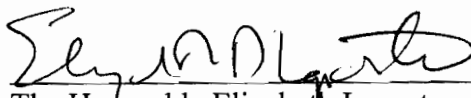
## V. CONCLUSION

12. On the basis of the above information, I submit that probable cause exists to believe that JOVEL SALAS-ARROYO, a/k/a JOEL SOLIS SALAS, JOVEL ARROYO SALAS, JOEL GUTIERREZ GONZALEZ, SANTIAGO ARCEO CUEVAS and ALFONSO VILLA SALAS illegally reentered the United States following deportation, in violation of 8 U.S.C. § 1326.



Polly E. Kaiser  
Deportation Officer  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security  
San Francisco, California

Subscribed and sworn to before me this 2 day of July, 2008.



The Honorable Elizabeth Laporte  
United States Magistrate Judge  
Northern District of California  
San Francisco, California